

01
02
03
04
05
06
07 UNITED STATES DISTRICT COURT
08 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

09 UNITED STATES OF AMERICA,) Case No. CR99-588-JCC
10 Plaintiff,)
11 v.) SUMMARY REPORT OF U.S.
12 MICHAEL ORRIN GRIFFIN,) MAGISTRATE JUDGE AS TO
13 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
14

15 An evidentiary hearing on supervised release revocation in this case was scheduled before
16 me on December 15, 2005. The United States was represented by AUSA Andrew C. Friedman
17 and the defendant by Timothy McGarry. The proceedings were recorded on cassette tape.

18 Defendant had been sentenced on or about February 4, 2000, by the Honorable John C.
19 Coughenour on a charge of Bank Robbery and sentenced to 46 Months Custody, three years
20 Supervised Release.

21 The conditions of supervised release included requirements that defendant comply with
22 all local, state, and federal laws and with the standard conditions of supervision. Other special
23 conditions included narcotic addiction/drug dependency treatment and testing, refrain from
24 alcohol and other intoxicants, submit to search, participate in a mental health program, and
25 restitution in the amount of \$1,717.53. (Dkt. 20)

26 Defendant's supervised release was modified on May 21, 2003, to require residence in

01 a halfway house for up to 120 days. (Dkt. 23). An additional 120 days was added on July 16,
02 2003. (Dkt. 24).

03 A warrant was issued on July 29, 2003, based on a report from defendant's probation
04 officer alleging that he had failed to abide by the rules and regulations of the halfway house,
05 failed to report for urinalysis testing, failed to report a change of residence, and failing to
06 participate in drug and mental health counseling. (Dkt. 25). The conditions of supervised release
07 were modified on September 13, 2004, to require residence in a halfway house for up to 120
08 days, to secure employment and participate in substance abuse and/or mental health treatment
09 as required by his probation officer. (Dkt. 33).

10 In an application dated November 15, 2005, U.S. Probation Officer Michael J. Larson
11 alleged the following violations of the conditions of supervised release:

12 1. Committing the crime of Bank Robbery on or about November 14, 2005, in
13 violation of 18 U.S.C. § 2113(a) and the mandatory condition of supervised release prohibiting
14 him from committing another federal, state or local crime.

15 2. Using cocaine on or about October 5, 2005, in violation of standard condition
16 number seven.

17 3. Failing to submit a truthful and complete written report within the first five days
18 of the month for September 2005 and October 2005 in violation of standard condition number
19 two.

20 4. Failing to notify the probation officer at least ten days prior to any change in
21 residence, in violation of standard condition number six.

22 5. Failing to make restitution payments in monthly installments as directed by the
23 probation officer for June 2005, July 2005, and August 2005 in violation of the special condition
24 requiring he pay restitution during the period of supervision as directed by the probation officer.

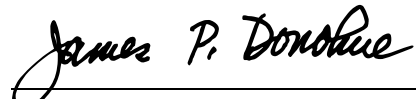
25 Defendant appeared before the Honorable Monica J. Benton on November 17, 2005, and
26 was advised in full as to those charges and as to his constitutional rights. He requested an

01 evidentiary hearing. On November 21, 2005, defendant admitted violations two through five
02 of the alleged violations and waived any evidentiary hearing as to whether they occurred. He
03 requested an evidentiary hearing on violation number one, which was scheduled for
04 December 15, 2005. On that date, he admitted violation one and waived any evidentiary hearing
05 as to whether it occurred.

06 I therefore recommend the Court find defendant violated his supervised release as alleged
07 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will
08 be set before the Hon. John C. Coughenour.

09 Pending a final determination by the Court, defendant has been detained.

10 DATED this 15th day of December, 2005.

11 
12 JAMES P. DONOHUE
13 United States Magistrate Judge

14
15 cc: District Judge: Honorable John C. Coughenour
16 AUSA: Andrew Friedman
17 Defendant's attorney: Timothy McGarry
18 Probation officer: Michael J. Larson
19
20
21
22
23
24
25
26